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JOHNNY MIRELES

UNITED STATES DISTRICT COURT
CENTRAL DISTRICT OF CALIFORNIA

JOHNNY MIRELES,
Plaintiff,
vs.

CONTINENTAL FINANCE
COMPANY, LLC,
Defendant(s).

Case No.: 2:17-cv-05081-ODW-MRW

**VOLUNTARY DISMISSAL
WITHOUT PREJUDICE**

NOW COMES Plaintiff, JOHNNY MIRELES (“Plaintiff”), by and through the undersigned counsel, and pursuant to *Fed. R. Civ. P. 41(a)(1)(A)(i)*, hereby voluntarily dismisses the instant action. Plaintiff dismisses his claims *without* prejudice. Plaintiff requests dismissal due to the fact that a First Amended Complaint seeking relief pursuant to Plaintiff’s RFDCPA claims only would not satisfy Federal Court Jurisdiction (there would not be a Federal Question nor does the \$1,000.00 in statutory damages allotted under the RFDCPA meet the minimum amount in controversy

1 required to establish Diversity Jurisdiction). Thus, in lieu of amending his Complaint
2 and then having the matter remanded to Superior Court, Plaintiff seeks dismissal
3 without prejudice so that he may refile his RFDCPA claim in Superior Court directly.
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8 Dated: December 4, 2017

RESPECTFULLY SUBMITTED,
MARTIN & BONTRAGER, APC

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10 By: /s/ Nicholas J. Bontrager

11 Nicholas J. Bontrager
12 *Attorney for Plaintiff*
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CERTIFICATE OF SERVICE

I hereby certify that on the 4th day of December, 2017, I electronically filed the foregoing with the Clerk of the Court using the *CM/ECF* system and mailed a copy to the defendant, Continental Finance Company, LLC, at the address stated below, which is the last known address of said Defendant, and deposited said envelope in the United States mail.

Continental Finance Company, LLC
121 Continental Drive, Suite 108
Newark, DE 19713

By: /s/ Nicholas J. Bontrager
Nicholas J. Bontrager, Esq.